

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Computer III Further Remand Proceedings:)	CC Docket Nos. 95-20, 98-10
Bell Operating Company Provision of Enhanced)	
Services; 1998 Biennial Regulatory Review –)	
Review of Computer III and ONA Safeguards)	
and Requirements)	

REPLY COMMENTS OF CENTURYLINK

CenturyLink files this reply in response to the recent comments regarding the Commission's *Computer III* Further Notice of Proposed Rulemaking (*FNPRM*).¹

I. INTRODUCTION

The initial comments confirm that the Commission should move forward promptly with its proposals in the *FNPRM* to streamline or eliminate remaining legacy *Computer Inquiry* regulatory requirements. Only two parties -- the Alarm Industry Communications Committee (AICC) and Full Service Network (FSN) -- filed opposing comments. Neither presented data or argument that would justify the retention of the requirements at issue. And, CenturyLink and Verizon filed substantial comments that build upon the Commission's already extensive record demonstrating that there is no longer any economic or other policy justification for imposing *Computer Inquiry* obligations, and that they no longer serve any practical utility yet continue to impose significant costs on carriers.

¹ *Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements*, FCC 13-69, Further Notice of Proposed Rulemaking, CC Docket Nos. 95-20, 98-10, 28 FCC Rcd 7627 (rel. May 17, 2013), 78 Fed. Reg. 39233 (July 1, 2013); Public Notice, Wireline Competition Bureau Announces Comment Cycle for Further Notice of Proposed Rulemaking on Computer III Requirements, DA 13-1516, CC Docket Nos. 95-20, 98-10, 28 FCC Rcd 9443 (rel. July 3, 2013).

II. NEITHER AICC NOR FSN PRESENT ANY JUSTIFICATION FOR RETAINING ANY *COMPUTER INQUIRY* OBLIGATIONS BEYOND THE COMMISSION'S PROPOSED DISCONTINUANCE FRAMEWORK

As noted, there were only two opposing comments filed in response to the Commission's proposals.² AICC, representing the alarm service industry, identifies a narrow list of ONA services that the alarm industry has utilized.³ But, it does not suggest that BOCs have sought to discontinue those services⁴ or that the Commission's proposed discontinuance procedure would not adequately protect it if that occurred. Similarly, FSN only specifically identifies two ONA elements that it currently relies upon.⁵ And, it likewise fails, in its very brief and high level comments, to explain why the Commission's proposed discontinuance procedure would not adequately protect it if a BOC sought to discontinue those services. In the end, both AICC and FSN rely in their oppositions upon decades-old rhetoric regarding purported BOC bottlenecks and the like.⁶ But, neither party presents any supporting data for these contentions. And, these

² Of course, it is telling that only AICC and FSN filed opposing comments here. AICC represents a single, narrow industry. FSN describes itself as being a provider of "competitive resold services to approximately 10,000 Pennsylvania customers." Comments of FSN, filed herein July 30, 2013, at 4. Whatever may be the concerns of those two parties, they cannot justify the continued imposition of the broad reaching *Computer Inquiry* framework to the BOCs.

³ Comments of the AICC, filed herein July 31, 2013, at 4 (identifying "various forms of derived local channel ("DLC") technology (e.g., 'Ability to Detect Breaks in Telephone Line within 60 seconds,' 'Derived Channels Compatible With ISDN,' and 'Derived Local Channels') [footnote omitted]").

⁴ Of course, as CenturyLink has discussed in past filings, many core legacy network services are also ONA services and, regardless, many ONA services will continue to be important revenue sources for the BOCs. Thus, BOCs have every incentive to continue to offer them. Comments of CenturyLink, filed herein July 31, 2013 at 14 (CenturyLink Comments).

⁵ Opposition of FSN to USTelecom's Petition for Forbearance, WC Docket No. 12-61, April 9, 2012, at 5 (stating that "[e]lements such as stutter dial tone and [Advanced Intelligent Network] ANI (sic) triggers enable FSN to provide voicemail, directory assistance, operator services, and other enhanced services.").

arguments are contradicted by the extensive record cited in CenturyLink’s and Verizon’s comments and, in many cases, by the Commission’s own findings in other proceedings.⁷ At bottom, neither party presents any grounds for the Commission to retain the *Computer Inquiry* obligations that the Commission proposes to eliminate.

III. THE COMMISSION SHOULD REJECT AICC’S AND FSN’S REQUESTS FOR MORE ONEROUS REQUIREMENTS

While failing to provide any legitimate justification for their oppositions to the Commission’s proposals, AICC and FSN each have the temerity to suggest that the Commission adopt even more onerous procedures going-forward. For example, FSN asks that the Commission require that, for any ONA services discontinued, all existing customers in every instance should be grandfathered and that “there should not be any end period to such grandfathering.”⁸ AICC argues that BOCs, not the enhanced service providers themselves, should bear the burden of demonstrating “among other things the availability of alternative services and the possibility of grandfathering existing customers...”⁹ Both AICC and FSN suggest that the BOCs should also be required to satisfy a section 10 forbearance analysis, including a detailed competitive analysis, for each and every withdrawal of ONA service request they may submit.¹⁰

The Commission should reject these requests. The record demonstrates growing competition in relevant markets. This, as well as the evidence of dramatic decreases in the usage and utility of

⁶ Comments of AICC at 3 (“the alarm industry is still dependent upon narrowband services and facilities provided by the BOCs, and will continue to be for some time. [footnote omitted]”); Comments of FSN at 3 (contending that *Computer Inquiry* requirements are still needed to prevent BOCs from “leveraging their enhanced services bottlenecks into the local service market.”).

⁷ CenturyLink Comments at 3-6.

⁸ Comments of FSN at 4.

⁹ Comments of AICC at 8.

¹⁰ Comments of AICC at 6; Comments of FSN at 4.

ONA elements overall, demonstrates that less, not more, onerous requirements are called-for in this context.

IV. THE RECORD DEMONSTRATES THAT THE COMMISSION SHOULD ADOPT ITS PROPOSED DISCONTINUANCE PROCEDURE AND ELIMINATE ANY REMAINING *COMPUTER INQUIRY* OBLIGATIONS

Verizon's comments echo CenturyLink's demonstration in its comments of the vibrant state of competition and the burdens and lack of utility of existing *Computer Inquiry* obligations.¹¹ In that respect, both parties only add to the already voluminous record before the Commission on these issues. In light of this record, the Commission should adopt its proposed procedure for BOCs to follow in discontinuing existing ONA services.¹² If the Commission adopts that procedure, that device will, in and of itself, adequately ensure that ESPs continue to have adequate access to a BOC's legacy network. It will both provide an orderly process for BOCs to initially discontinue ONA services that are not currently being used and/or have become obsolete and provide an ongoing procedure for discontinuing other services over time as necessary.

The initial comments do suggest that certain additional clarifications would be helpful should the Commission adopt this procedure. Specifically, the comments of parties such as AICC and FSN suggest the possibility that parties may seek to require BOCs to continue to provide arcane legacy ONA services simply in order to serve the needs of a single, legacy enhanced service business model or a single enhanced service provider -- regardless of what the market may show regarding the availability of reasonable substitutes for end-user customers more broadly speaking. The Commission can and should address this concern by including a few simple clarifications in the Commission's eventual order in this proceeding. The *FNPRM*

¹¹ See generally, Comments of Verizon, filed herein July 31, 2013.

¹² *FNPRM*, 28 FCC Rcd at 7719-20 ¶¶ 207-09.

states that, under its proposed approach, discontinuance notices would state that the FCC will plan to authorize proposed withdrawals and discontinuances of service “*unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected.* [Emphasis in original.]”¹³ The Commission should clarify that the customers referred to in that language are end-user, retail customers -- *i.e.*, not enhanced service providers. And, it should clarify that the potential substitute services may be services available to end-user, retail customers from a BOC’s many and varied competitors and may be services available using more recent technology (*e.g.*, broadband platforms). And, as CenturyLink noted in its initial comments, the Commission should also make clear that the ultimate granting or denial of a discontinuance request should not necessarily turn solely on the ability of an ESP to claim that it or its customer cannot obtain a substitute service. The BOC should still have the ability to prevail based on an adequate demonstration of other circumstances demonstrating that discontinuance is warranted regardless (*e.g.*, lack of utility of the service, lack of feasibility in continuing to offer the service, etc.).

¹³ *FNPRM*, 28 FCC Rcd at 7719 ¶ 207.

V. CONCLUSION

The Commission should eliminate its remaining *Computer III* regulatory requirements consistent with the discussion above.

Respectfully submitted,

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